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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

05/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,782	Applicant(s) ITABASHI, TATSUO	
	Examiner PAUL DANNEMAN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>27 September 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to the application filed on 8 November 2008.
2. Claims 1-28 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-22 and 25-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mas Ribes, US 2003/0097123 A1, henceforth known as Ribes.

6. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

As per Claims 1-3, 7-9, 13-15, 19-21 and 27-28, Ribes in at least FIG. 2, FIG.3, FIG.4 and paragraph [0020] discloses a Mobile Terminal with mobile code comprised of a resource usage section containing at least a resource requirements list (RRL) including those resources needed by the mobile code to be properly executable plus those resources known a priori to being accessed when executing the mobile code. Ribes in at least paragraph [0022] further discloses that the mobile code contains, in addition to the resource requirements list, any of the following information: a) issuer of the certificate information identifying the entity issuing the certificate, b) subject information identifying the mobile code to which the certificate is referred, and c) validity period information stating the period of time within which the certificate is valid. Any of this information further serves to improve the ability of the system to manage resources.

Ribes in at least FIG.3 and paragraphs [0091, 0092] further discloses a Mobile Terminal requesting a resource owner for access to a resource, acquiring a right to use the resource during the payment/licensing phase. Ribes in at least paragraph [0047] further discloses the dynamic discovery and request for resources not listed in the RRL.

Ribes does not specifically disclose a payment-notification process and a right-to-use process per se, however Ribes in at least paragraphs [0035, 0036, 0037, and 0038] discloses during the negotiation phase, a downloading process which further includes a user and/or platform authentication, specifying restrictions imposed by the mobile code distributor as to the user and/or platform involved, and or payment/licensing evaluation, comprising the financial aspect of the mobile code transfer. The platform authentication guarantees to the software producer/distributor that a contribution to the deal is

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acknowledged and the mobile code is used in the proper way. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art that Ribes provides a means for requesting a resource, paying for the resource, acquiring the right to use the resource and utilizing the resource in an approved manner, similar to applicant's invention.

As per Claims 4-5 and 17, Ribes in at least paragraph [0047] discloses a security concern for both the calling and the called code and each needing to impose their own access control based on an authenticated message exchange system. Ribes in at least paragraphs [0115 through 0123] discloses various authentication, encryption and non-identity based encryption processes for multiple party communications.

As per Claims 6, 12, 18, and 25, Ribes does not specifically disclose the type of resources or that they are of apparatus, information, or license for information type. However, Ribes in at least paragraph [0026] discloses that the resource requirements' list specifies a type of resource to be requested. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art, that Ribes does not specifically limit their usage of resources to those specified by the applicant and therefore exceeds Applicant's specified resource type.

As per Claims 10-11, 16 and 22, Ribes does not specifically disclose authenticating a value apparatus or authentication of payment notification per se. However, Ribes in at least FIG.3 and paragraphs [0089 through 0094] discloses requesting a resource, a negotiation phase where user and platform authentication will be used by the resource owner and a payment/licensing phase should the resource require payment for usage of that resource. Therefore, while all the payment and authentication details are not disclosed, it would have been obvious, at the time of the invention, to one of ordinary skill in the art that Ribes provides the authentication and payment framework in a manner functionally similar to applicant's invention.

7. **Claims 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ribes** as applied to **Claims 21** above, and further in view of Takayama et al., US 2004/0103063 A1, henceforth known as Takayama.

As per Claims 23 and 24, Ribes does not specifically disclose a means for making an electronic-value payment and a transfer of an electronic-value payment. Takayama in at least FIG.1-FIG.3, FIG.26, FIG.29, FIG.58, and paragraphs [0023-0028] discloses receiving an electronic-value purchase request from a portable terminal, transferring the purchase request to an electronic-value issuing server, receiving an electronic-value transferred from the issuing server, storing the electronic value and transmitting the electronic-value to the portable terminal and controlling the electronic-value such that it is shared in a secure manner. Takayama in at least paragraph [0126-0129] further discloses authenticating the value requesting apparatus, the user, and the value issuer. Therefore, it would have obvious, at the time of the invention, to one of ordinary skill in the art to combine the well elements of Ribes' mobile resource management system and Takayama's electronic-value banking system to achieve the predictable results of securely paying for resources provided to a mobile platform.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

15 May 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627